

Rule 9001 - 1

Definitions

The following words and phrases used in these rules have the meanings indicated:

- (1) “Debtor.” For purposes of FRBP 9001(5), the debtor shall include the officers and members of the board of directors of a corporation and in the case of a partnership, all general partners.

An order designating some other individual as the debtor for purposes of FRBP 9001(5) may be presented on ten (10) days notice and hearing to the attorney for the debtor.

- (2) “Mailing.” Whenever the term “mailing” or “mail” is used in conjunction with providing service or notice, it included any form of electronic transmission authorized by FRBP 9036.

Related Provisions

FRBP 9001 General Definitions

LBR 9001 - 1
June 1, 2004

Rule 9004-1

Documents - Requirements of Form

(a) General Requirements of Form

- (1) All documents presented for filing shall be prepared letter size (8 ½" x 11"). Without prior approval of the Court, all attachments shall also be no larger than 8 ½" x 11".
- (2) All documents presented for filing shall be single sided. Documents submitted in paper format containing two or more pages shall be stapled at the top left corner, however, separate documents shall not stapled together.
- (3) All documents or papers submitted must be of good quality on which line numbers appear at the left margin. The material thereon shall be typed, printed or prepared by a clearly legible duplicating process and shall be double-spaced. Quoted material may be single spaced, however footnotes shall be double-spaced. All typed and printed matter must appear in either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10.5 characters per inch may be used in a brief. A proportionately spaced typeface has characters with different widths. A monospaced typeface has characters with the same advanced width. Text shall be in roman (upright letters), non-script type. No pleading, document, or brief may have an average of more than 280 words per page, including footnotes and quotations. The word count does not include addenda containing statutes, rules, regulations etc.
- (4) On the first page of each pleading or similar document the title of the Court shall appear on or below the fifth line. All pleadings shall be signed as required by FRBP 5005(a)(2) and 9011. Names shall be typed underneath all signature lines.
- (5) In the space to the right of the center of the first page, opposite the caption of the case, there shall be placed:
 - (A) the case number and in the case of an adversary proceeding, the related case number above the adversary proceeding number;
 - (B) the nature of the document, such as complaint, answer, motion, order, affidavit and so forth;
 - (C) the name and status of the party on whose behalf the document is filed;

- (D) the words "Demand for Jury Trial" or its equivalent when a party demands a jury.
- (6) The first page of every pleading or other document (except instructions) shall contain the name, mailing address and telephone number of the attorney or firm submitting the document on the left side above line five.
- (7) At the left side of the bottom of each document (other than instructions) an abbreviated name of the document should be repeated, followed by the page number.
- (8) All appendices to pleadings shall be paginated progressively, but shall, following the number on the page, show also the appendix number which may be alphabetical, numerical or a combination thereof.
- (9) Proposed orders granting a motion or application shall be submitted separately in accordance with LBR 9013-1 .

(b) Prescribed Forms Excepted

Except as to sub-paragraph (a)(2) above, this rule shall not apply where a prescribed form is used.

(c) Electronically Filed Documents

Documents filed electronically shall be in accordance with standards adopted by the court for the electronic filing of documents and administrative procedures established by the Clerk of Court.

Related Provisions

FRBP 7010	Form of Pleadings
FRBP 9004	General Requirements of Form
FRBP 9011	Signing and Verification of Papers
FRBP 9021	Entry of Judgment
LBR 9009 - 1	Forms
LBR 9015 - 1	Jury Trial
GENORD 03-05	Order Establishing Standards for Electronic Filing

LBR 9004-1
JUNE 1, 2007

Rule 9009 - 1

Forms

Whenever a rule requires that information be submitted as prescribed by the appropriate local form, or words to that effect, then the prescribed local form shall be used. Forms may be obtained from the court's website at no cost.

Related Provisions

FRBP 9005	Harmless error
FRBP 9009	Forms
LBR 2014-1	Application for Order approving Employment of Professional Persons
LBR 2016-1	Compensation of Professionals
LBR 2083-1	Chapter 13 - General
LBR 3016-1	Chapter 11 - Plan
LBR 4008-1	Reaffirmation
LBR 7016-1	Pretrial Procedures
LF1007	Statement fo Social Security Number
LF 2014	Application For Order Approving Employment
LF 2016	Application For Award of Compensation For Services Rendered and Reimbursement of Expenses Pursuant To 11 USC 330
LF 2016A	Statement of Money or Property Received or Promised In Connection With This Case Other Than By Application Or a Plan
LF 2016B	Summary Supporting Application For Compensation For Services or Reimbursement of Expenses
LF 2016C	Narrative Summary
LF 2016D	Order Awarding Compensation For Services Rendered and Reimbursement of Expenses Pursuant to 11 USC 330 or 331
LF 2106E	Chapter 13 Flat Fee Agreement
LF 2016F	Certification for Supplemental Application
LF 2016G	Statement of Review of Application

LBR 9009-1
June 15, 2005

Related Provisions (cont'd)

LF 2083	Chapter 13 Plan
LF 2083A	Debtor's Plan Payment Analysis
LF 2083B	Chapter 7 Liquidation Analysis
LF 2083C	Plan Funding Analysis
LF 2083OAAP	Application For Order Authorizing Adequate Protection Payments
LF3001	Proof fo Claim
LF 3016	List Classifying Claims and Interests
LF 4008	Request For Approval of Reaffirmation Agreement
LF 4008-B240	Reaffirmation Agreement
LF5005	Request for Waiver From Filing Electronically
LF 7016	Pretrial Order
LF9011	Statement of Witness
LF9013	Request For Entry of Order Granting Motion

LBR 9009-1
June 15, 2005

Rule 9010 - 1

Attorneys - Notice of Appearance

(a) Eligibility to Practice

- (1) Any attorney who is admitted to practice to the bar of the United States District Court for the Eastern District of Washington is eligible to appear and practice before this court. Matters concerning eligibility, procedure for admission, permission to practice in a particular case pro hac vice or discipline shall be controlled by the rules of the District Court. Matters concerning eligibility, procedure for admission, permission to practice in a particular case pro hac vice or discipline shall be controlled by the rules of the District Court.
- (2) Persons who have been granted a limited license to engage in the practice of law pursuant to Rule 9 of the Admission to Practice Rules of the State of Washington may practice before this Court. Any person who practices under this rule shall comply with and be bound by the provisions of Rule 9.
- (3) A motion for an attorney to be admitted to practice in a particular case pro hac vice shall be filed with the Bankruptcy Court in the style and format prescribed by the rules of the District Court. A proposed order granting the motion is to be submitted to the Bankruptcy Court pursuant to LBR 9013-1. The application fee shall be paid directly to the district Court.
- (4) An attorney need not be admitted in representing a client in the following matters:
 - (A) Requesting special notice pursuant to FRBP 2002 or to be added to a MML pursuant to LBR 2002-1(d);
 - (B) Seeking compensation pursuant to 11 USC 330 when employed pursuant to 11 USC 327 in a matter where admission was not required;
 - (C) Filing a proof of claim;
 - (D) Signing or filing a reaffirmation agreement pursuant to 11 USC 524;
 - (E) Participating in a Meeting of Creditors held pursuant to 11 USC 341; and
 - (F) Representing a child support creditor so long as the appropriate form is filed.

(b) Appearances, Withdrawal, and Substitution

- (1) An appearance may be made by filing a formal notice of appearance. Alternatively, the filing of any pleading shall constitute an appearance by the attorney who signs the pleading.

- (2) A party who appeared by an attorney may not thereafter appear or act pro se in the cause, unless an order of substitution shall first have been made to the Court, after notice to the attorney then of record of such party and to other parties.
- (3) When an attorney having appeared in a cause is removed, withdraws, dies or otherwise ceases to act as such, a party for whom he or she has acted as attorney must, before any further proceedings are had in the action on that party's behalf, appoint another attorney or file a statement of appearance pro se, unless such party is already represented by another attorney.
- (4) The authority and duty of an attorney of record in an adversary proceeding shall continue until withdrawal or substitution and after final judgment for all proper purposes. The authority and duty of an attorney of record in a bankruptcy case shall continue until withdrawal, substitution or the closing of the case.
- (5) Withdrawal by Attorney
 - (A) An attorney who wishes to withdraw from a case or adversary proceeding shall file a motion and serve notice of the motion to withdraw pursuant to LBR 2002 - 1 on the parties set forth in subparagraph (B) hereof. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least ten (10) days after the service of the notice of intent to withdraw. The notice shall include a statement that the withdrawal shall be effective upon entry of an order of the court. If notice is given before trial or any scheduled hearing, the notice shall include the date set for such trial or hearing. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney.
 - (B) Service of the notice of withdrawal shall be as follows:
 - (i) Attorney for debtor, trustee, or debtor in possession: all entities on the Master Mailing List.
 - (ii) Attorney representing a party to an adversary proceeding or scheduled hearing: party represented and all other parties to the adversary proceeding or scheduled hearing.
 - (iii) All other attorneys: on their client.
 - (C) The withdrawal shall be effective upon entry of an order of the court. The withdrawing attorney may submit an ex parte order to the court upon expiration of the notice period, unless a written objection to the withdrawal has been filed with the court.
 - (D) If a timely written objection is served, withdrawal shall be by order of the Court.

- (6) Substitution of attorneys shall be accomplished by the filing of a substitution document which shall include the effective date of substitution. The document shall be signed by both attorneys, or signed by the new attorney and the client with notice to the original attorney. Court approval of substitution of attorneys is required only where a provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure requires approval of the employment of an attorney in the first instance. Notice of substitution shall be served on the parties set forth in subparagraph (b)(5)(B).
- (7) If an additional attorney is associated during the pendency or a case or proceeding, or if the original attorney dies, withdraws, or otherwise ceases to act, notice of the appointment of a new attorney shall be filed and served on the parties set forth in subparagraph (b)(5)(B).

(c) Multiple Counsel

If more than one attorney represents a party, only one attorney shall examine or cross-examine a single witness and only one attorney shall argue the merits before the Court, except by permission of the Court.

(d) Familiarity with Local Rules

Every member of the bar of this Court or attorney practicing before it shall be familiar with and comply with the Local Rules of this Court and shall maintain the respect due courts of justice and judicial officers; shall perform with the honesty, care, and decorum required for the fair and efficient administration of justice and shall discharge the obligations owed to clients and to the judges of the Court.

Related Provisions:

FRBP 2006	Solicitation and Voting of Proxies
FRBP 2014	Employment of Professional Persons
FRBP 2017	Examination of Debtor's Transactions with Debtor's Attorney
FRBP 9010	Representation and Appearances
FRBP 9011	Signing and Verification of Papers
EDWA LR 83.2	Bar Admission
EDWA LR 83.3	Attorney Discipline
LBR 9011 - 1	Attorneys - Duties
11 USC 327	Employment of Professional Persons
11 USC 501 - NOTE	Appearance Before Court of Child Support Creditors or Representatives (See P.L. 103-394, Title III, section 304 (g); 108 Stat. 4134)

LBR 9010-1
OCTOBER 1, 2008

Rule 9011 - 1

Attorneys - Duties

(a) Service of Attorney Statement of Compensation

A copy of the statement of compensation, as well as any supplements, required to be filed by 11 USC 329 and FRBP 2016 shall be promptly served on the United States trustee and any trustee appointed in the case. In addition to the information required by FRBP 2016(b) and 11 USC 329(a), the statement shall also describe the services rendered or to be rendered, the nature of any arrangement for payment of services, including any related liens or security interests given or taken and the disposition of any funds received.

(b) Administrative Expenses

Payment of attorney fees for compensation of services rendered or reimbursement of expenses as administrative expenses pursuant to 11 USC 503 shall only be in accordance with 11 USC 330 and FRBP 2016, including postconfirmation payment for preconfirmation services or expenses.

(c) Attorney Defined

For purposes of this rule, the term "Attorney" shall include the named attorney, and if the named attorney is a law partnership or corporation, any attorney employed as a partner, member or regular associate of such partnership or corporation, and if the named attorney is a member, partner, regular associate of a partnership or corporation, any other member, partner, or regular associate thereof. The disclosure shall be on behalf of the named attorney and all members, partners or regular associates with whom the named attorney is associated.

Related Provisions

FRBP 2002	Notice and Hearing
FRBP 2104	Employment of Professional Persons
FRBP 2016	Compensation for Services Rendered
FRBP 2017	Examination of Debtor's Transactions with Attorney
FRBP 2019	Representation of Creditors' Committees
FRBP 9010	Representations and Appearances

LBR 2016 - 1 Compensation of Professionals
LBR 2082 - 1 Chapter 12 - General
LBR 9010 - 1 Attorneys - Notice of Appearance

11 USC 327	Employment of Professional Persons
11 USC 328	Limitation on Compensation of Professional Persons
11 USC 329	Debtor's Transactions With Attorneys
11 USC 330	Compensation of Officers
11 USC 331	Interim Compensation

18 USC 152	Concealment of Assets
18 USC 153	Embezzlement
18 USC 154	Adverse Interest and Conduct of Officers
18 USC 155	Fee Arrangements in Cases Under Title 11

LBR 9011 - 1
May 1, 1996

Rule 9013 - 1

Motions and Orders

(a) Adversary Proceeding

- (1) If the moving party so elects, a motion in an adversary proceeding may be made after notice and hearing pursuant to LBR 2002-1. Notice need be given only to the parties to the adversary proceeding.
- (2) If the election in paragraph (a)(1) is not made, a hearing date of a motion in an adversary proceeding shall be requested from the Court's website.

(b) Combining of Motions

- (1) Motions may be combined with other motions, except motions to lift the automatic stay unless permitted by LBR 4001-1, motions to withdraw the reference, or motions to reopen cases.
- (2) If motions are combined, each request shall be clearly identified in the caption and in the body of the pleading.
- (3) If different objection periods or service or notice requirements are required for combined motions, the longest objection period and most complete service or notice shall be used for all the combined motions.
- (4) Motions in adversary proceedings and bankruptcy cases shall not be combined.

(c) Proposed Orders

(1) Submission of Proposed Orders

A party desiring that a proposed order be entered shall file the proposed order with a cover sheet on the prescribed form (Request for Entry of Order, Local Form 9013).

(2) Form

The last page of the proposed order shall be identified by case number and nature of document or contain some portion of the text.

(3) Orders Upon Stipulations

A party seeking approval of a stipulation shall:

- (A) file the stipulation, accompanied by a motion to approve the stipulation or relate it to a previously filed motion;
- (B) satisfy notice and hearing requirements as to any provision in the stipulation;
- (C) not provide for the dismissal or conversion of a case without the need for a separate order; and
- (D) obtain the endorsement of the Chapter 12 or 13 trustee as appropriate if any of the provisions of the stipulation affect the trustee's administration of the plan.

(4) Orders Prepared by the Court

Orders resulting from a hearing before the Court will be prepared by the Court unless otherwise directed by the Court.

(d) Memorandum of Authorities

- (1) A party may, or when required by the Court, shall file in support of or in opposition to a motion or other request for an order of the Court, a brief written memorandum of reasons and a list of authorities on which the party relies. Such memorandum must be filed and served on the opposing party in accordance with LBR 5005-1(c).
- (2) Citations to Washington cases in a memorandum of authorities shall be to the Washington Reports. Citations to cases from other states shall be to the National Reporter System. Citations to federal cases shall be to the United States Reports, Federal Reporter, or Federal Supplement. Citations to bankruptcy cases shall be to West's Bankruptcy Reporter, Collier's Bankruptcy Cases or Bankruptcy Court Decisions.

Related Provisions

FRBP 9013 Motions: Form and Service

FRBP 9014 Contested Matters

FRBP 9021 Entry of Judgment

LBR 2002-1 Notice to Creditors and Other Interested Parties

LBR 4001-1 Automatic Stay - Relief From

LBR 5010-1 Reopening Cases

LBR 5011-1 Withdrawal of Reference

LBR 6007-1 Abandonment

Rule 9014 - 1

Contested Matters

Abrogated

**LBR 9014-1
JUNE 1, 2007**

Rule 9015 - 1

Jury Trial

Abrogated.

LBR 9018 - 1

Secret, Confidential, Scandalous, or Defamatory Matter

a) Motion to Seal

- (1) A motion to seal may be made on an ex parte basis without notice on any grounds permitted by law and shall contain the basis for why sealing is required. The order shall be submitted in the manner required by LBR 9013-1(c).
- (2) As soon as practicable the document to be sealed shall be filed in the manner prescribed by sub-paragraph (b) of this rule. The document shall be filed provisionally under seal, and will remain provisionally under seal until the court rules on the motion.
- (3) If discussion of protected materials or information is necessary to support the motion, such discussion shall be limited to an affidavit or declaration under penalty of perjury, which shall also be provisionally sealed.

b) Filing of Sealed or Provisionally Sealed Document

Any document filed under seal or provisional seal shall be contained in a sealed envelope to which shall be affixed a captioned pleading that identifies the document, contains language to clearly indicate that the document in the sealed envelope has been filed under seal and is not to be opened without an order of the court and that makes reference to the motion or order by which the document was sealed.

c) Motion to Unseal

A motion to unseal a document may be made on any grounds permitted by law. Notice of such a motion shall be in accordance with LBR 9013-1, with ten (10) days notice to the party that requested the document be sealed.

d) Disposition of Documents filed Under Seal upon Dismissal or Closing of Case

Any documents remaining under seal when a case is dismissed or closed shall be disposed of in accordance with the mandatory Records Disposition Schedule set out by the Judicial Conference of the United States, unless otherwise ordered by the court.

e) Viewing by Court Personnel

Unless otherwise stated in the motion or the order to seal, the seal will not preclude court staff from viewing sealed materials.

Related Provisions:

FRBP 9018	Secret, Confidential, Scandalous, or Defamatory Matter
FRBP 9013	Motions: Form and Service
LBR 2002-1	Notice to Creditors & Other Interested Parties
LBR 9013-1(b)	Motion Practice
11 USC 102	Rules of Construction
11 USC 107	Public Access To Records

LBR 9018 - 1
OCTOBER 1, 2008

Rule 9019-1

Compromise or Settlement of Controversies

(a) Notice

On motion by a trustee, debtor in possession or debtor exercising powers under 11 USC 1303, and after notice and hearing, the court may approve a compromise or settlement of a controversy. Notice shall be given to the Master Mailing List, the United States trustee, and the trustee as provided in LBR 2002-1.

(b) Applicability

This rule shall apply to any claim that is being compromised or settled with another entity and that has not been abandoned pursuant to 11 USC 554.

Related Provisions

FRBP 2002	Notice to Creditors and Other Interested Parties
FRBP 9019	Compromise and Arbitration
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 2014-1	Employment of Professional Persons
LBR 2016-1	Compensation of Professionals
11 USC 323(b)	Role and Capacity of Trustee
11 USC 327	Employment of Professional Persons
11 USC 541	Property of the Estate
11 USC 554	Abandonment of Property of the Estate
11 USC 1303	Rights and Powers of Debtor
11 USC 1306	Property of the Estate

LBR 9019-1
June 15, 2005

Rule 9029-1

Local Rules - General

(a) Scope

These local rules govern practice and procedure in the United States Bankruptcy Court for the Eastern District of Washington, and shall be cited as "LBR-___".

(b) Applicability

Unless otherwise indicated or ordered by the court, each of these local rules applies to all cases commenced under the Bankruptcy Code, contested matters and adversary proceedings.

(c) Meaning of Words and Phrases

The definition and construction of words and phrases in the Bankruptcy Code and Federal Rules of Bankruptcy Procedure govern the use of those words and phrases in these rules.

Related Provisions

FRBP 1001	Scope of Rules
FRBP 9001	General Definitions
FRBP 9002	Meaning of Words
FRBP 9029	Power to Promulgate
11 USC 101	Definitions
11 USC 102	Rules of Construction
11 USC 741	Definitions of Stockbroker Liquidation
11 USC 1101	Chapter 11 Definitions

LBR 9029-1
JUNE 1, 2007

Rule 9037 - 1

Privacy Protection for Filings Made with the Court

If a document is filed which fails to comply with FRBP 9037(a), immediately upon being made aware of such, the party who filed the document shall file a redacted version of the document and request the clerk restrict access to the unredacted document.

Related Provisions

FRBP 9037 Privacy Protection for Filings Made with the Court

LBR 9037-1
December 1, 2008

Rule 9070 - 1

Exhibits

(a) Identification and Presentation

As much as practicable, all exhibits intended to be offered into evidence shall be identified by the party offering the exhibit in the manner prescribed by the Clerk prior to the hearing. A party intending to offer five or more exhibits shall furnish such exhibits in a three-ring binder which shall include an index.

(b) Disposition of Exhibits

- (1) Unless otherwise ordered, upon the conclusion of a hearing or trial, all exhibits marked for identification or introduced into evidence and all depositions and transcripts shall be returned to the party who produced them.
- (2) It is the responsibility of the party who received any documents back in accordance with subparagraph (b)(1) to produce any or all such documents if requested by this Court or any appellate court hearing any appeal taken.

Rule 9073 - 1

Hearings

(a) Requests for Hearing

A request for a hearing is made to the Clerk and should be made electronically by accessing the Court's website where possible, but may also be by telephone, in writing or in person. The requesting party shall provide to the Clerk the following information:

- (1) Identification of the case or adversary proceeding by name and number;
- (2) The names of all parties, the name, address and telephone number of their attorneys and that of any unrepresented party; and
- (3) A brief statement as to the nature of the hearing, estimated time required, the number of witnesses, if any, and preference as to a telephonic or courtroom hearing; and if the hearing is precipitated by notice and hearing;
 - (I) the date the notice was sent,
 - (ii) a statement as to whether or not objections were made, and
 - (iii) a statement as to whether or not the time for objections has expired.

(b) Notice of Hearing

- (1) As soon as possible after obtaining information concerning the scheduling of a hearing, but in no event later than seven (7) days prior to the hearing, the requesting party shall serve notice of the hearing on all parties to the hearing, as well as any party that has specifically requested notice of all hearings.
- (2) The notice of hearing shall include the date and time set, and whether the hearing will be by telephone or in court. If the hearing is by telephone, the "meet me" telephone number shall be given in the notice.
- (3) The party giving such notice shall promptly file an affidavit or statement under penalty of perjury of service that specifies when and to whom notice was served along with a copy of the notice, unless electronically linked.

(c) Confirmation of Hearings

The party requesting a hearing may be required to confirm with the appropriate chambers that the matter will be heard if so advised by the Court. Failure to confirm when so required may result in the striking of the hearing.

(d) Terms for Failure to Appear at Hearing

The Court may impose terms against a party who fails to appear at a hearing when so required.

(e) Filing of Documents to be Considered at Hearings

- (1) Except as provided in LBR 4001-2, an application or motion, supporting affidavits or statements under penalty of perjury shall be served and filed no later than seven (7) days prior to the hearing on an application or motion. An opposing party shall serve and file any objections, counter-affidavits or statements under penalty of perjury or other responding documents no later than three (3) days prior to the hearing on the application or motion.
- (2) A document intended to be considered by the Court in connection with a scheduled hearing shall be served and filed in accordance with subparagraph (1) above, and a copy shall be delivered to the appropriate chambers if the document has not been filed at least seven (7) days prior to the hearing.

Related Provisions

FRBP 9006	Service of Motion
LBR 2002-1	Notice to Creditors and Other Interested Parties
LBR 4001-2	Cash Collateral
LBR 5005 - 1	Filing Papers & Requirements
28 USC 152	Places of Holding Court

LBR 9073 - 1
JUNE 1, 2007